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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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			EXAMINER PATEL, DHAIRYA A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,774

Applicant(s)

KORTUM ET AL.

Examiner

Dhairya A. Patel

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,9,11,12,14-20 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,9,11,12,14-20 and 23-30 is/are rejected.
- 7) ☒ Claim(s) 25, 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication filed on 5/20/2010. Claims 1-3,9, 11-12, 14-20, 23-30 are subject to examination. Claims 4-8,10,13,21-22 are cancelled.
2. This amendment has been fully considered and entered.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/1/2010 has been entered.

Claim Objections

Claim 25, 28 are objected to because of the following informalities: typographical error. "...a failure of a domain name server (DSN)". Examiner would like to point out that "DSN" is mistyped. It should be "DNS". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,9, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown) further in view of Ellington et al. U.S. Patent # 4,264,894 (hereinafter Ellington)

As per claim 1, Pits teaches a method of indicating connectivity comprising:

-providing a first visual indication via a first visual indicator of a modem (fig. 4 element 402), the first indication associated with establishment of a communication link between the modem and a network aggregation point (Paragraph 34, 47) (Table 1)

NOTE: The reference teaches having DSL LED (Fig. 2 element 206) (first visual indicator) of a modem (Fig. 2 element 200), the DSL LED indicates the DSL connection and the synchronization with ADSL transceiver unit (communication link between modem and the network aggregation point), and when the DSL is connected and is synchronized, the DSL LED shows green (first indication associated).

-providing a second visual indication (Fig. 2 element 206, 210) or (Fig. 4 element 402, 404) via a second visual indicator (Fig. 2 element 206, 210) or (Fig. 4 element 402, 404) of the modem (Fig. 2 element 200)(Paragraph 34, 37, 82, 83) (Table 1, 2) **NOTE:** The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED (second

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visual indicator) flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the accessibility of the information service at the Ethernet hub (modem).

Pits does not explicitly state the second visual indication associated with an authorization to access an information service via the communication link.

Brown teaches providing a second visual indication (Fig. 3 element 310-325 or LEDs 1,2,3) via a second visual indicator (Fig. 3 element LED's 1,2,3) of the modem, the second visual indication associated with an authorization to access an information service via the communication link (column 4 lines 20-54) and extinguishing the second visual indicator in response to a failure (column 5 lines 48-62)(column 6 lines 2-17). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having second visual indication associated with authorization to access an information service via the communication link. The motivation for doing so would to notify the user that modem is online and operational and the user is authorized to access the internet/websites, when the user sees the LED indicators on the modem.

Pits and Brown does not teach failure that is associated with the information service.

Ellington teaches extinguishing the second visual indicator in response to a failure that is associated with the information service (column 4 lines 33-40)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Ellington's teaching in Pits and

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Brown's teaching to come up with extinguishing visual indicator in response to failure that is associated with information service. The motivation for doing so would be so the user can see/know the status of the ISP on the modem, i.e. offline, when the visual indicator is extinguished.

As per claim 2, Pits, Brown and Ellington teaches the method of claim 1, but Pits further teaches further comprising: wherein the first visual indicator includes a first light emitting diode (LED) (Fig. 4 element 402) (Paragraphs 34, 37); and the second visual indicator includes a second light emitting diode (Fig. 4 element 404) (Paragraphs 34, 37) (Table 1, 2).

As per claim 3, Pits, Brown and Ellington teaches the method of claim 1, but Pits further teaches further comprising executing a point to point protocol over Ethernet (PPPoE) client in connection with establishing the communication link (Paragraph 43).

As per claim 9, Pits, Brown and Ellington teaches the method of claim 1, but Pits further teaches wherein the modem comprises a digital subscriber line (DSL) modem (Paragraph 14, 39, 75).

As per claim 14, Pits teaches a system, comprising:

- a display element coupled to a housing component (Fig. 2 element 204,206,208), wherein the display element includes a visual display portion (Fig. 2 element 204,206,208,210,212) (Paragraph 32, 33);

NOTE: The reference teaches visually displaying LED which a housing component (Fig. 204,206,208,210)

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-wherein the housing component (Fig. 2 element 200) at least partially defines an enclosure (Fig. 2 "the modem box with elements 204,206,210,208,212") (Fig. 3, 4)(Paragraph 32, 33);

NOTE: The displaying LED are partially defining enclosure since this is an open area of viewing the LED's.

-a broadband modem unit (Fig. 2 element 200) secured within the enclosure (Fig. 2 "the modem box with elements 204,206,208,210,212") (Paragraph 32, 33);

-a link detection mechanism communicatively coupled to the broadband modem unit and operable to output a link signal in response to a determination that a communication link exists between the broadband modem unit and a network aggregation point (Fig. 5 element 508) (i.e. DSL provider) (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (output link signal) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light. Pitsoulakis specifically states, the DSL LED (Fig. 2 element 206) indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). This means there is a communication link between the modem of the user which the access device and the network aggregation point which is (DSL connection with the DSL transceiver unit).

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-a first indicator (Fig. 4 element 402) within the display element to provide a first indication in response to the link signal (Paragraphs 34, 37); and

NOTE: The reference teaches Ethernet hub has an Ethernet link LED (Fig. 4 element 402) (a first indicator) which indicates the link status. When there is an Ethernet connection at an Ethernet hub (modem), the associated Ethernet link LED shows green light otherwise, when there is not connection, the Ethernet link shows no light.

-a second indicator (Fig. 4 element 404) operable within the display element to provide a second indication in response to the access signal (Paragraphs 34, 37) (Table 1, 2).

NOTE: The reference teaches Ethernet activity LED (Fig. 4 element 404) which indicates activity status. The reference also teaches when there is an Ethernet connection; the associated Ethernet activity LED flashes yellow light in a frequency relative to the intensity of the activities over the Ethernet connection. This shows the access signal i.e. since there is activities with the network (modem).

Pits does not teach a data detection mechanism operable to output access signal in response to a determination that a user of the system is authorized to access a remote information service, data detection mechanism operable to extinguish the access signal in response to detection of a failure associated with the remote information service.

Brown teaches a data detection mechanism operable to output access signal (Fig. 3 element LED's 1,2,3) in response to a determination that a user of

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the system is authorized to access a remote information service (column 4 lines 20-54) extinguishing the access signal in response to detection of a failure (column 5 lines 48-62)(column 6 lines 2-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having to output access signal in response to determination that a user of the system is authorized to access the remote information service. The motivation for doing so would to notify the user that modem is online and operational and the user is authorized to access the internet/websites, when the user sees the LED indicators on the modem.

Pits and Brown does not teach failure that is associated with the remote information service.

Ellington teaches extinguishing the access signal in response detection of a failure associated with remote information service (column 4 lines 33-40)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Ellington's teaching in Pits and Brown's teaching to come up with extinguishing visual indicator in response to failure that is associated with information service. The motivation for doing so would be so the user can see/know the status of the ISP on the modem, i.e. offline, when the visual indicator is extinguished.

As per claim 15, Pits, Brown and Ellington teaches the system of claim 14, but Pits further teaches wherein the display element comprises a plurality of light emitting diodes (LEDs) (Fig. 2 element 204,206,208,210,212) within the visual

display portion and further wherein the first indicator comprises a first LED (Fig. 2 element 204, 206) of the plurality of LEDs (Fig. 2 element 204, 206, 208 etc) and the second indicator comprises a second LED (Fig. 2 element 204, 206) of the plurality of LEDs (Paragraph 34, 37).

As per claim 16, Pits, Brown and Ellington teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a cable modem (Paragraph 75).

As per claim 17, Pits, Brown and Ellington teaches the system of claim 14, but Pits further teaches wherein the broadband modem unit comprises a digital subscriber line (DSL) modem (Paragraphs 14, 39, 75).

As per claim 18, Pits, Brown and Ellington teaches the system of claim 14, but Pits further teaches further comprising a point to point protocol over ethernet (PPPoE) client executing on a processor secured within the enclosure (Paragraph 43).

As per claim 19, Pits teaches a method comprising:

-providing a subscriber with a broadband modem comprising a first indicator (Fig. 4 element 402) operable to display a connectivity status indicating whether a connection exists between the broadband modem and a network aggregation node (Paragraph 34, 47) (Table 1)

NOTE: The reference teaches having DSL LED (Fig. 2 element 206) (first visual indicator) of a modem (Fig. 2 element 200), the DSL LED indicates the DSL connection and the synchronization with ADSL transceiver unit (communication link between modem and the network aggregation point), and

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when the DSL is connected and is synchronized, the DSL LED shows green (first indicator to display connectivity status).

-a second indicator (Fig. 4 element 404) (Paragraphs 34, 37) (Table 1,2).

Pits does not teaches a second indicator indicate a failure associated with a remote information service that is accessed by the broadband modem via the network aggregation node.

Brown teaches a second indicator indicate a failure that is accessed by the broadband modem via the network aggregation node (column 4 lines 20-54) (column 5 lines 48-62)(column 6 lines 2-17). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having second indicator indicate a failure that is accessed by broadband modem. The motivation for doing so would be so the user can see/know the status of the ISP on the modem, i.e. offline

Pits and Brown does not teach failure that is associated with the information service.

Ellington teaches second visual indicator indicate a failure that is associated with the remote information service (column 4 lines 33-40)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Ellington's teaching in Pits and Brown's teaching to come up with visual indicator indicate a failure that is associated with information service. The motivation for doing so would be so the

user can see/know the status of the ISP on the modem, i.e. offline, when the visual indicator is extinguished.

As per claim 20, Pits, Brown and Ellington teaches the method of claim 19, but Brown further teaches further comprising: receiving a troubleshooting request from the subscriber(column 4 lines 56-67) (column 5 lines 1-5, lines 17-28); and prompting the user to observe the first and second indicator in response to receiving the troubleshooting request (column 4 lines 66-67) (column 5 lines 1-5, lines 17-28). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits and Ellington's teaching to come up with receiving trouble shooting request and prompting the user to observe the indicators. The motivation for doing so would be so the user can alert the trouble shooter in regards with how the LEDs are blinking that way, the troubleshooter can diagnose the problem.

Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown) further in view of Ellington et al. U.S. Patent # 4,264,894 (hereinafter Ellington) further in view of Chiles et al. U.S. Patent Publication # 2001/0034759 (hereinafter Chiles)

As per claim 11, Pits, Brown and Ellington teaches the method of claim 1, but Pits further teaches wherein the network aggregation point comprises a cable modem (Paragraph Table 4, 57, 75), but does not explicitly teach cable modem termination system. Chiles teaches network aggregation point comprising cable

modem termination system (Paragraph 55). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Chiles's teaching in Pits, Brown and Ellington's teaching to come up with having network aggregation point comprising cable modem termination system. The motivation for doing so would be cable modem termination system can be used to deliver and receive communication from the host system.

As per claim 12, Pits, Brown and Ellington teaches the method of claim 1, but Pits further teaches wherein the network aggregation point comprises a digital subscriber line (Paragraphs 39,40) but does not teach digital subscriber line access multiplexer (DSLAM). Chiles teaches network aggregation point comprising digital subscriber line access multiplexer (DSLAM) (Paragraph 55) It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Chiles's teaching in Pits, Brown and Ellington's teaching to come up with having network aggregation point comprising digital subscriber line access multiplexer (DSLAM). The motivation for doing so would be so the xDSL modem can deliver and receive communication with the host system through digital subscriber line access multiplexer (DSLAM)

Claims 23-24,26-27,29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown) further in view of Ellington et al. U.S. Patent # 4,264,894

***(hereinafter Ellington) further in view of Horne et al. U.S. Patent # 6,925,030
(hereinafter Horne)***

As per claim 23, Pitsoulakis, Brown and Ellington teaches the method of claim 1, but fails to teach wherein the failure comprises an equipment failure associated with the information service. Horne teaches an equipment failure associated with the information service (column 1 lines 28-34). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Horne's teaching in Pits, Brown and Ellington's teaching to come up with having equipment failure associated with information service. The motivation for doing so would network operator or network provider can obtain diagnostic data related to the equipment failure, therefore, the network operator can fix the problem, thereby subscriber can access the internet/information service.

As per claim 24, Pitsoulakis, Brown and Ellington teaches the method of claim 23, but fails to teach wherein the equipment failure comprises a failure of an internet service provider (ISP). Horne teaches equipment failure comprises a failure of an internet service provider (ISP) (column 1 lines 28-34). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Horne's teaching in Pits, Brown and Ellington's teaching to come up with having equipment failure comprises a failure of an internet service provider (ISP). The motivation for doing so would network operator or network provider can obtain diagnostic data related to the equipment failure,

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therefore, the network operator can fix the problem, thereby subscriber can access the internet through ISP.

As per claims 26-27 respectively, teaches same limitations as claims 23-24 respectively, therefore rejected under same basis.

As per claims 29-30 respectively, teaches same limitations as claims 23-24 respectively, therefore rejected under same basis.

Claims 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitsoulakis et al. U.S. Patent Publication # 2003/0035471 A1 (hereinafter Pits) further in view of Brown et al. U.S. Patent # 6,823,480 (hereinafter Brown) further in view of Ellington et al. U.S. Patent # 4,264,894 (hereinafter Ellington) further in view of Horne et al. U.S. Patent # 6,925,030 (hereinafter Horne) further in view of Jaladanki et al. U.S. Patent # 7,536,439 (hereinafter Jaladanki)

As per claim 25, Pits, Brown, Ellington and Horne teaches the method of claim 23, but fails to teach wherein the equipment failure comprises a failure of domain name server (DSN). Jaladanki teaches failure of domain name server (DSN)(column 4 lines 11-14). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Jaladanki's teaching in Pits, Brown, Ellington and Horne's teaching to come up with having failure of domain name server. The motivation for doing so would be because the network operator can diagnose the problem i.e. at domain name server and can fix the problem, therefore the user can send/receive message and the access the website using the domain name server.

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As per claim 28, it teaches same limitations as claim 25, therefore rejected under same basis.

Response to Arguments

Applicant's arguments with respect to Claims 1-3,9, 11-12, 14-18, 20, 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 11/1/2010 for claim 19 have been fully considered but they are not persuasive.

As per remarks, Applicant's stated the following:

A). Applicant states Brown does not teach "a modem including an indicator operable to indicate a failure associated with a remote information service" and "broadband modem including a second indicator operable to indicate a failure associated with a remote information service that is accessed by the broadband modem via the network aggregation node"

As per remark A, Examiner respectfully disagrees with the applicant because in column 5 lines 48-63 and column 6 lines 2-17, Brown teaches a second indicator indicate a failure that is accessed by the broadband modem via the network aggregation node (column 5 lines 48-63, and column 5 lines 2-17). Brown teaches upon interruption of the initialization sequence of operations because of fault or other conditions, the controller captures the status indications previously generated. An interruption condition may include a fault condition, an abnormal operations. The controller provides the retained status indications for display on LEDs and makes them available for other forms of access by technician for system operation diagnosis. The status indications may be as

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non-LED illuminations or audible indications (a second indicator indicate a failure that is accessed by the broadband modem via the network aggregation node).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Brown's teaching in Pits's teaching to come up with having second indicator indicate a failure that is accessed by broadband modem. The motivation for doing so would be so the user can see/know the status of the ISP on the modem, i.e. offline

Pits and Brown does not teach failure that is associated with the information service.

Ellington teaches second visual indicator indicate a failure that is associated with the remote information service (column 4 lines 33-40)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Ellington's teaching in Pits and Brown's teaching to come up with visual indicator indicate a failure that is associated with information service. The motivation for doing so would be so the user can see/know the status of the ISP on the modem, i.e. offline, when the visual indicator is extinguished

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A). "Method and Apparatus for Telephone Line Testing" by Starr et al.
U.S. Patent # 7,003,078.

B). "Method and Apparatus for decreasing cable installation time and cable installation faults" by Cloonan et al. U.S. Patent # 7,047,553 (hereinafter Cloonan)

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 8:00AM-5: 30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

/Dhairya A Patel/

Examiner, Art Unit 2451